

**PATENT**

Atty. Dkt. No. ROC920010117US1

MPS Ref. No.: IBMK10117

**REMARKS**

This is intended as a full and complete response to the Final Office Action dated May 20, 2005, having a shortened statutory period for response set to expire on August 20, 2005. Applicants submit this response to place the application in condition for allowance or in better form for appeal. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-39 are pending in the application. Claims 1-39 remain pending following entry of this response.

**Claim Rejections - 35 U.S.C. § 102**

Claims 29 and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by *Anderson et al.* (USPN 6,684,250, hereinafter "*Anderson*"). Applicants respectfully traverse this rejection.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

In this case, *Anderson* does not disclose "each and every element as set forth in" Claims 29 and 34. For example, *Anderson* does not disclose "an application configured to search the network address locator data structure for a network address associated with a region in response to receiving a query containing geographic location information indicative of a current location of a requesting device."

The Examiner states that *Anderson* discloses an application that includes a "provision for data collection agents, delivery engine, data collection and analysis system – the delivery of geolocation data associated with a network address in response to a user's query wherein the website address is retrieved for access to the

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user at col.8 line 10-col.9 line 24, col.9 line 54-65 and col.14 lines 35-40." However, the cited passages are directed to methods of "collecting and analyzing blocks of network addresses (e.g., Class B or Class C subnets) . . . and to associate a geographic location (geolocation) with the identified blocks of network addresses." *Anderson*, 8:52-58. None of the passages referenced by the Examiner teach or suggest receiving a query containing geographic location information indicative of a current location of a requesting device. Quite the opposite, as disclosed in *Anderson*, the purpose of the data collection and analysis system is to derive this information from a network address associated with a query. See *Anderson*, 8:14-31.

Thus, *Anderson* fails to disclose a query that explicitly contains both a network address *and* geographic location information. The delivery engine disclosed by *Anderson* responds to the query with geolocation data derived from the requester's originating network address and information processed by the collection and analysis system. The *Anderson* method involves the step of *deriving* geolocation data from the requester's originating network address. Therefore, the geolocation data of *Anderson* is not included with the query. To highlight that this information is not included in the query, *Anderson* discloses error handling performed if the analysis system is unable to estimate the location of a requesting device, specifically a "not found" error message is sent to the requester. *Anderson*, 9:35-40. This error message would not occur if the query included geographic location information. Compare this with the query containing geographic location information indicative of a current location of a requesting device, as recited in Claims 29 and 34; because the query includes location information, the error condition contemplated in *Anderson* could never occur.

Therefore, Claims 29 and 34 are believed to be allowable, and allowance of the claims is respectfully requested. Claims 29 and 34 are believed to be allowable for the reasons given above. Accordingly, all claims depending from Claims 29 and 34 are also believed to be allowable. Therefore claims 30-33 and 35-39 are believed to be allowable, and allowance of the claims is respectfully requested.

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MPS Ref. No.: IBMK10117**Claim Rejections - 35 U.S.C. § 103**

Claims 1-28, 30-33, 35, 36, 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Macpherson et al.* (USPN 6,845,400, hereinafter "*Macpherson*") in view of *Anderson*. Applicants respectfully traverse this rejection.

The Examiner bears the initial burden of establishing a *prima facie* case of obviousness. See MPEP § 2142. To establish a *prima facie* case of obviousness three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP § 2143. The present rejection fails to establish at least the third criteria.

For example, regarding claims 1, 14, and 24, *Macpherson* fails to disclose a query containing geographic location information indicative of a current location of a requesting device.

In *Macpherson*, the network address request and the geographic location query occur in separate, asynchronous transactions between three parties. An ISP acts as an intermediary information broker between the information-requestor and the location-specific content provider. The information-requestor (subscriber) requests a page from the ISP. This query does not include geographic location information indicative of a current location of a requesting device, just the network address. The ISP must still derive this information from the query. *Macpherson* discloses location information derived through message exchanges between the ISP and a content provider (e.g., using "caller-id" data).

*Anderson* teaches a technique for the ISP to obtain this information based on the network address included in a query. As described above, however, *Anderson* fails to teach or suggest a query that includes information indicative of a current location of a requesting device. Accordingly, both *Anderson* and *Macpherson*, disclose queries sent by the subscriber requesting content at a network address, with no geographic location

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information. Both disclose that location data is determined in response to a query, but neither discloses providing geographic location information as part of, or with, the query. Thus *Anderson* in view of *Macpherson* fails to teach or suggest "receiving a query for a network address associated with a geographic region, wherein the query contains geographic location information indicating a current position of a requesting device".

Furthermore, *Anderson* discloses a method to estimate only a potential location of a requesting device from data collection and subsequent analysis of blocks of network addresses. The *Anderson* method relies on the assumption that "[t]ypically, most network addresses are associated with a particular geographic location. This is because routers that receive packets for a particular set of machines are fixed in location and have a fixed set of network addresses for which they receive packets. Machines that routers receive packets for tend to be geographically proximal to the routers." *Anderson*, 8:14-31. In the case that the system is unable to derive geolocation data, a "not found" error message is sent to the requester. *Anderson*, 9:35-40. This error message would not occur if the query included specific geographic location information.

For all the reasons stated above, *Anderson* fails to disclose receiving a query containing geographic location information indicative of a current location of a requesting device. Therefore, Claims 1, 14, and 24, and all claims dependent therefrom, are believed to be allowable, and allowance of these claims is respectfully requested.

### Conclusion

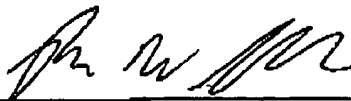
The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to the Applicants' disclosure than the primary references cited in the office action. Therefore, Applicants believe that a detailed discussion of the secondary references is not necessary for a full and complete response to this office action.

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Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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Randol W. Read  
Registration No. 43,876  
MOSER, PATTERSON & SHERIDAN, L.L.P.  
3040 Post Oak Blvd. Suite 1500  
Houston, TX 77056  
Telephone: (713) 623-4844  
Facsimile: (713) 623-4846  
Attorney for Applicants